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# Security Council

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## Letter dated 17 August 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you the attached letter dated 3 August 2012 from Mr. Hassan B. Jallow, Prosecutor of both the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals (see annex).

Mr. Jallow's letter is in response to the letter of 27 June 2012 from the Permanent Representative of Zimbabwe to the United Nations, concerning Zimbabwe's cooperation in the search for one of the high-level ICTR fugitives, Mr. Protais Mpiranya (S/2012/497).

I would be grateful if you would bring the letter from Mr. Jallow to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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## Annex

[Original: English]

### Letter dated 3 August 2012 from the Prosecutor of the International Criminal Tribunal for Rwanda and the International Residual Mechanism for Criminal Tribunals addressed to the Secretary-General

### International Criminal Tribunal for Rwanda fugitive Protais Mpiranya and cooperation by Zimbabwe

I have the honour to refer to the letter dated 27 June 2012 from the Permanent Representative of Zimbabwe addressed to the President of the United Nations Security Council (S/2012/497), a copy whereof has been forwarded to my office through the Office of Legal Affairs.

1. I welcome the affirmation of the Permanent Representative of Zimbabwe in his letter that "Zimbabwe fully understands that cooperation with any Tribunal is an international legal obligation for all Member States of the United Nations" and his assurance of the willingness of Zimbabwe to cooperate with the International Criminal Tribunal for Rwanda and the International Residual Mechanism in this matter.

2. Investigators and tracking teams of the Office of the Prosecutor have been investigating Protais Mpiranya, a top level indictee of the Tribunal, since 1994. Investigations reveal that after leaving Rwanda, the fugitive fled to the Democratic Republic of the Congo and from there to Harare, where he has been residing at various times since 2002. Evidence suggests that the fugitive has strong links with high-level military and civilian personnel in Zimbabwe.

3. After appropriate contact with INTERPOL and Zimbabwean police authorities, I dispatched the heads of the investigation and tracking teams in my office to Harare to consult with Zimbabwean authorities, sensitize them on the presence of Protais Mpiranya in the country and request the establishment of a dedicated team of Zimbabwean police officers assigned to investigate, search for and arrest the fugitive. A dedicated team of Zimbabwean police was established in 2008 pursuant to the request of the International Criminal Tribunal for Rwanda to closely work together with Tribunal investigators in the tracking and arrest of the fugitive.

4. However, soon thereafter the team was unilaterally dismantled by the Zimbabwean authorities and cooperation and communication between the investigators from the Office of the Prosecutor and the Zimbabwean police team broke down. Staff from the Office of the Prosecutor travelled to Harare on several occasions to seek to re-establish contact without success.

5. In September 2009, I personally led a mission to Harare where, after discussions with the Joint Ministers for Home Affairs, the Minister for Justice and other senior Government officials in the police and the army, it was agreed to re-establish a joint task force between Zimbabwean police and Tribunal investigators to track and arrest the fugitive Protais Mpiranya. The Government also appointed a senior official as the focal point for cooperation between the Zimbabwean Government and the Tribunal.

6. Unfortunately, any subsequent cooperation pursuant to the Government's assurances given to me proved unhelpful. Office of the Prosecutor investigators undertook several missions to Harare to work with the joint task force but immediately ran into numerous hurdles. They were not provided the necessary clearances to meet with the authorities, the Ministry of Home Affairs focal point left and was not replaced and police assigned to the joint task force did not share the agreed written reports of their investigations with their Tribunal counterparts, among others. It was clear that every time Tribunal investigators left Harare after their mission, the Zimbabwean police also stopped its investigations of the leads provided by the Tribunal.

7. Tribunal investigators were also not allowed to accompany the police for joint verification or investigation even when the information had been provided to them by Tribunal investigators and feedback in any form from the public and other authorities has been rare.

8. There have always been substantial delays in granting clearances from the Ministry of Foreign Affairs of Zimbabwe for Tribunal investigators to conduct activities in Zimbabwe, despite adequate notice provided in good time.

9. Zimbabwean authorities have failed, despite several requests, to provide access for Tribunal investigators to interview certain specific persons known or suspected to have some relationship with the fugitive.

Despite the many instances of a lack of cooperation by the Zimbabwean authorities, I have, in response to the further assurances contained in the letter of its Permanent Representative under reference, once again written to the Government of Zimbabwe welcoming its assurances of cooperation and have requested to visit Harare from 10 to 12 September 2012 for consultations on the way forward. A response is awaited.

I would appreciate it if you would bring the present letter to the attention of the Security Council.

(*Signed*) Hassan B. **Jallow**
Chief Prosecutor
International Criminal Tribunal for Rwanda
and International Residual Mechanism